

**MEMO ENDORSED**

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**BY FACSIMILE**

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The Honorable James C. Francis IV  
United States Magistrate Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1960  
New York, New York 10007-1312

Re: Abdelli, et al., v. City of New York, et al. 05 CV 8453 (RJS) (JCF)

Dear Judge Francis:

Plaintiff Ed Hedemann's deposition is currently scheduled for next Wednesday, January 9, 2008. On December 7, 2006, the Court ordered Hedemann to produce his non-RNC arrest information. In response, he produced information and releases relating to six arrests. On December 27, 2007, plaintiffs sent a list showing an additional 34 occasions on which Hedemann has been arrested along with releases for the corresponding records.<sup>1</sup> Those documents will not be provided to us by next Wednesday's deposition. Plaintiff has suggested that we adjourn the deposition until the records are collected. Defendants are inclined to go forward with the deposition next week. With the pending close of discovery in the RNC cases, it will be important to examine this witness on the issues relating to his involvement with the planning of the Church and Fulton march and his involvement with the War Resisters' League. We wish to proceed, however, with assurance that we will be permitted to recall the witness for examination on his non-RNC arrests.

<sup>1</sup> A copy of the cover letter enclosing the releases and the index titled "Demonstration Arrests is attached as Ex. A.

Accordingly, defendants request that the Court order plaintiff Hedemann to be reproduced on the limited topic of his non-RNC arrests after defendants have collected the pertinent records. Thank you.

Respectfully submitted,

*Jeffrey A. Dougherty*  
Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq.

1/8/08

The deposition shall proceed as scheduled. It is premature to determine whether recalling Mr. Hedemann would be warranted.

so ORDERED

*James C. Francis IV*  
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*ESM*